

REMARKS

The above amendments are made in response to the Office action of March 04, 2009. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 2-4 are withdrawn from further consideration as being drawn to a nonelected species, leaving claims 1 and 5-14 for further consideration.

Claims 1, 5, 9 and 11 have been amended. Claims 1 and 5-14 remain pending in the present application. Support for the amendments to claims 1, 5, 9 and 11 may be found at least in the FIGS. and description thereof in the application as filed. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 112

Claims 5 and 9 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for "failing to particularly point out and distinctly claim the subject matter which [Applicants] regard as the invention."

Specifically the Examiner states that in claim 5 there is insufficient antecedent basis for the limitation "the first, second and third 'sets of subpixels'". Claim 5 has been amended to more clearly point out the claimed invention and recite "the first pair of subpixels are disposed adjacent to each other, the second and the third ~~pairs~~ [[sets]] of subpixels are disposed opposite each other with respect to the first pair of subpixels" where the "sets of subpixels" language has been removed.

Similarly, the Examiner states that in claim 9 "it is unclear how a first-color can be more than one color" and "how a second-color can be more than one color". Claim 9 has been amended to more clearly point out the claimed invention and recite "a group consisting of the first-color subpixels include red green, and blue subpixels and a group consisting of the second-color subpixels include cyan, magenta, and yellow subpixels" instead.

In light of the present amendments and above remarks it is respectfully requested that the Examiner withdraw the rejection of amended claims 5 and 9 under 35 U.S.C. §112.

Double Patenting

Claims 1, 5 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 33 of Application No. 11/565,285. Likewise, claims 1 and 5-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33-35 of copending Application No. 11/565,285. Lastly, claims 1 and 5-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,888,604.

Although the conflicting claims are not identical, they are not patentably distinct from each other and anticipated by the pending/patented claims.

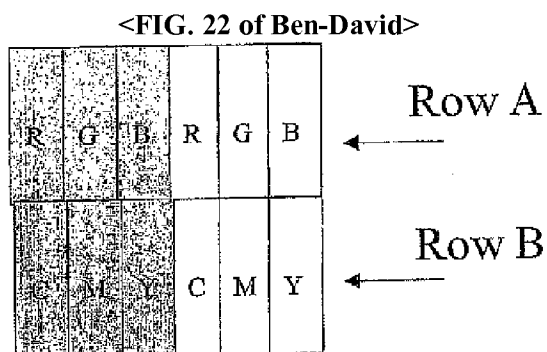
In response, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR §1.321(c) to overcome these rejections. Reconsideration and withdrawal of the relevant rejections is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1, 5 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ben-David et al. (U.S. Patent Application Publication No. 2008/0192178, hereinafter “Ben-David”). The Examiner states that Ben-David discloses all of the elements of the abovementioned claims.

Referring to FIG. 22 of Ben-David, “R,” “G” and “B” subpixels are included in a pixel. In addition, “C,” “M” and “Y” subpixels are included in the pixel.



Referring to FIGS. 3A, 3B and 3C regarding claim 1 of the present invention, “R,” “G” and “B” subpixels are included in a pixel. However, only one of “C,” “M” and “Y” subpixels is included in the pixel.

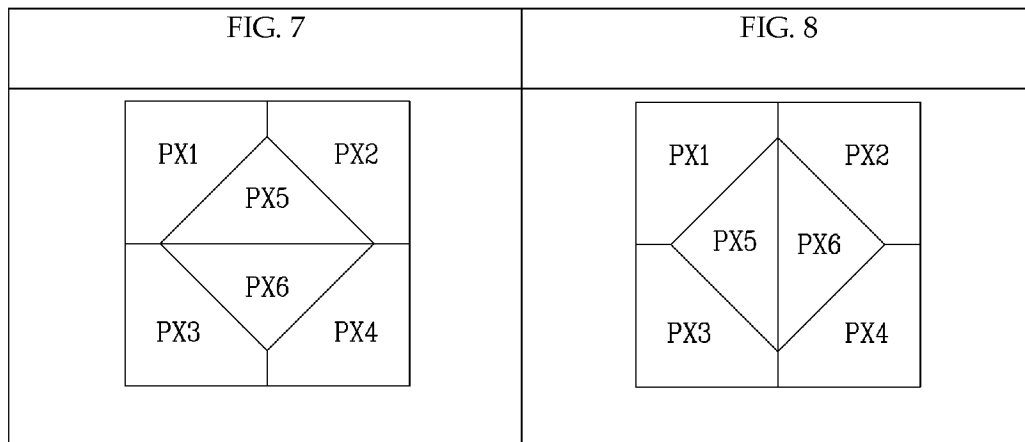
<FIGS. 3A, 3B and 3C of the present invention>

FIG. 3A	FIG. 3B	FIG. 3C												
<table border="1" style="margin: auto; border-collapse: collapse;"><tr><td style="padding: 10px 20px;">R</td><td style="padding: 10px 20px;">B</td></tr><tr><td style="padding: 10px 20px;">G</td><td style="padding: 10px 20px;">C</td></tr></table>	R	B	G	C	<table border="1" style="margin: auto; border-collapse: collapse;"><tr><td style="padding: 10px 20px;">R</td><td style="padding: 10px 20px;">B</td></tr><tr><td style="padding: 10px 20px;">G</td><td style="padding: 10px 20px;">M</td></tr></table>	R	B	G	M	<table border="1" style="margin: auto; border-collapse: collapse;"><tr><td style="padding: 10px 20px;">R</td><td style="padding: 10px 20px;">B</td></tr><tr><td style="padding: 10px 20px;">G</td><td style="padding: 10px 20px;">Y</td></tr></table>	R	B	G	Y
R	B													
G	C													
R	B													
G	M													
R	B													
G	Y													

In particular, it is respectfully submitted that Ben-David does not teach that only one of “C,” “M” and “Y” subpixels is included in the pixel. More specifically, Ben-David does not teach or suggest each pixel including a first set of three primary color subpixels and only one of a second set of three primary color subpixels, as recited in amended independent claim 1.

With respect to independent claims 5 and 11 and referring to FIGS. 7 and 8 of the present invention, PX5 and PX6 located at a center of a pixel are entirely enclosed by PX1, PX2, PX3 and PX4. However, the subpixels in FIG. 12 of Ben-David are lineally arranged in a row direction.

<FIGS. 7 and 8 of the present invention>



Independent claims 5 and 11 have been amended to have the limitation that PX5 and PX6 located at the center of the pixel are entirely enclosed by PX1, PX2, PX3 and PX4. More specifically, Ben-David does not teach or suggest wherein the first pair of subpixels is surrounded by the second pair of subpixels and the third pair of subpixels, as recited in amended independent claim 5, and similarly recited in amended independent claim 11.

Thus, amended claims 1, 5 and 11 are believed to be patentably distinct and not anticipated by Ben-David. Claims 2-4 depend directly from claim 1, and thus includes all the limitations of amended claim 1. Claims 6-10 depend directly from claim 5, and thus includes all the limitations of amended claim 5. Claims 12-14 depend directly from claim 11, and thus includes all the limitations of amended claim 11. It is thus believed that the dependent claims 2-4, 6-10 and 12-14 are allowable for at least the reasons given for independent amended claims 1, 5 and 11, which are believed to be allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 1, 5 and 11 under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. § 103

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated

the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claims 6-10 and 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-David in view of Elliott et al. (U.S. Patent Application Publication No. 2005/0088385, hereinafter “Elliott”). The Examiner states that Ben-David in view of Elliott teaches all the limitations of claims 8 and 14.

First, it is respectfully noted that claims 6-10 depend from amended independent claim 5 and claims 12-14 depend from amended independent claim 1, both of which independent claims being submitted as being allowable for defining over Ben-David as discussed above. Furthermore, it is respectfully submitted that use of each subpixel in the first pair of subpixels is triangular, and the first pair of subpixels form a diamond or use of each of the central subpixels is isosceles triangular and the central subpixels form a diamond allegedly disclosed in Elliott, or any other disclosure of Elliot, does not cure the deficiencies noted above with respect to Elliott.

Thus, Applicants submit that neither Ben-David nor Elliot, either alone or in combination, render obvious the subject matter of amended claims 5 and 11. Claims 6-10 depend from amended claim 5, and thus includes the allowable elements of amended claim 5. Claims 12-14 depend from amended claim 11, and thus includes the allowable elements of amended claim 11. It is thus believed that the dependent claims are patentable over the cited references for at least the reasons given above for amended independent claims 5 and 11.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner’s withdrawal of the rejection of claims 6-10 and 12-14, and their subsequent allowance is respectfully requested.

Conclusion

In light of the above remarks, the present application including claims 1 and 5-14 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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